



KICKS MINISTRIES & VICTORY HARVEST CHURCH
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Received & Inspected

MAY 18 2012

FCC Mail Room

CASE IDENTIFIER NUMBER:
CGB-CC-0261

May 15th, 2012

Dear Sirs, (To Whom it May Concern)

We petitioned for closed captioning exemption for our programs "KICKS Club" and "KidWise", on January 3rd, 2012. We received notice that we were to send our petition again this May to you. We also petitioned and were granted exemption for this closed caption exemption September of 2006. Below is our request for petitioning. We want ask to continue closed captioning exemption.

This petition again is based on "significant difficulty and expense" as listed below. This petition focuses on the various areas that creates undue burden for us. These areas to include:

- 1) The nature and cost of the closed captions for the programming
- 2) The impact on the operation of the provider and program owners
- 3) The extreme burden and financial resources for ourselves in producing these closed caption programs
- 4) The type of operations as the provider of these program

As a church, we are recognized as a 501C3 and offer educational children's programming for Christian networks. First and foremost, and most importantly in the producing of children's programming, we must abide by the "specific" and strict FCC guidelines for children's programs. These guidelines include for us as children's programmers by law that we CANNOT raise funds as non-profit children's programmers for Christian television. These are strict requirements that prevent us from asking for any donations in any form or fashion during the airing of our program or after. If we do, broadcast stations are fined very large amounts of funds and thousands of dollars by the FCC. We also follow these strict guidelines by the FCC that we cannot raise funds through (the first 3 pages of) our websites, as well. With this, it is an undue burden to expect us a church to also supply expensive closed captions to our programs. We are NOT the norm in producing programs and again, are under specific FCC regulations regarding fund raising. Since the FCC has regulations on fund raising for this specific children's programming which creates no income from the airing of our programs and with our position as a church in supplying stations with children's programming, any added expense absolutely causes undue financial burden "if" the FCC would require us to add closed captioning. We should be offered exemption based on these limited fund raising abilities alone.

1) "The nature and cost of the closed captions for the programming" and "The impact on the operation of the provider and program owners":

As a church that produces educational programming for children, it is an extreme financial burden to close caption our programming, again, especially with no fund raising capabilities. To expect us to abide by expenses with such added high cost as closed captioning per program requires, forces undue burden on our production of children's programming and all that we are doing in our efforts to reach children with quality educational material. We have contacted a main network and found the networks have no plans on helping by close captioning our

programs. This places us in a position of significant difficulty without the ability to raise funds through our programming and on our websites. We just do not have the funds for such high expenses on closed captioning.

2) "The financial resources of the provider or program owner" and "The type of operations as the provider of these program":

We as a church, KICKS Ministries and VICTORY HARVEST CHURCH Incorporated, have as part of our purpose the making of quality programs through media outreach to children. As a church we have funded these productions for sets, all equipment, tools, editing materials, computers, editing programs, cameras, travel expenses, and much much more from the onset for these children's programs we are already financially pushed in doing this type of programming. This in itself is a huge step and burden that takes from the basic running expenses. We ask that the FCC please exempt us from the added high costs of closed captioning.

Again, we ask to continue our exemption on closed captioning. The situation for us is unique as we have to also abide by strict and limited FCC fund raising laws that normal broadcasters do not have to abide by. As we abide by those faithfully, and have for these last many years, we note again, for the FCC to add undue pressure to our ability to create programming and continue limiting our fund raising ability to pay for these high costs that closed captioning would require of us, is like muzzling an ox while adding undue financial pressure to us as a children's programmer. We know we are a hybrid in non-profit children's programming and due to this situation, we request that our petition be looked at based on the full picture of FCC expectations that have been placed on as a children's programmer. It is our desire to continue producing fresh and new quality educational Christian programming to air on stations and networks throughout the United States. To do so, we are in need for you to grant us this exemption in order to remove the "significant difficulty and expense" as defined in this request.

Thank you



Pastors Rick and Kim Robinson

KICKS Ministries and Victory Harvest Church Incorporated

Copies enclosed from January 3rd, 2012 FCC letter:

Post Production Closed Captioning Proposal to verify research, pricing, etc.

January 5th letter from Jane Wynn, Financial Secretary of KICKS Ministries and Victory Harvest Church Incorporated



CASE IDENTIFIER NUMBER:

CGB-CC-0261

January 5, 2012

Office of the Secretary
Federal Communication Commission
Attn: Disability Rights Office, Room 3-B431
Washington, DC 20554

To Whom it May Concern

As financial secretary of KICKS Ministries and Victory Harvest Church Incorporated, I am writing to state the financial status of this non-profit church in regards to the requirement of closed caption. We, as a church, do not have the financial means to meet the requirements that would be given to us by closed caption companies to pay for closed captioning of our children's programs. It would also create problems and extreme financial burden in providing closed caption archives of our children's programs to stations. These are produced and paid for by church funds that are already limited in covering the funding to produce these programs, but I note, they are also extremely limited to being used for the operations of this organization as a whole.

As I've stated, our funds are already limited and our financial status is clearly limited, thus creating the inability to afford or even pay for any closed captioning process in any fashion. As an organization we have cut down expenses in every area possible to operate as it is, and to add any other requirement of such an expense would be burdensome and at the least, overwhelming.

Sincerely,

Jane Wynn
Financial Secretary
KICKS Ministries and Victory Harvest Church Incorporated

**Post Production
Closed Captioning Proposal**

**Prepared for:
KICKS Ministries**

**Prepared by:
Jenny Carson
November 10, 2011**

U.S. Captioning Company

**2079B Lawrence Drive
DePere, WI 54115
Phone: (920) 338-9201 Fax: (920) 339-9202**

U.S. Captioning Company

U.S. Captioning is one of the leading providers of quality real time closed captioning services. We are the only captioning company in the world that is owned by a sponsorship agency (Country World Productions, Inc.) dedicated to provide sponsorship for captioning.

U.S. Productions & U.S. Captioning Company together continue to develop excellent relationships with various Stations, Networks, Independent Producers. Captioning employs over 100 highly experienced, top quality captioners with 5-25 years television captioning experience. Country World, Agency's, etc., in providing quality real-time captioning, post-production, C.A.R.T. and/or sponsorship.

Contact Information:

Executive Offices: Beth Aschenbrenner, Executive Vice President

Sales Contact: Jenny Carson, Captioning Sales Director

Services Management: Jennifer Reinke, Director of U.S. Captioning

**2079B Lawrence Drive
DePere, WI 54115
920-338-9201**

Sample Programming

NFL Pre-Season Games

Arena Football

Variety of Pageants

Multiple Holiday Parades

City Council Meetings

Numerous Coaches' Shows

High School & College Sports

Bowling

Newscasts

Cooking Programs

Religious Programming

Talk Show Programs

Post Production Closed Captioning Costs

Post Production Closed Captioning:

The cost of providing Post Production Captioning to any programming will be billable in 15-minute program increments (with a 15-minute program minimum).

Pop-Up Mode:

Captioning appears on the screen at once in blocks of 1-3 lines and remains on the screen for a few seconds. Pop-up captioning is strategically positioned and closely synchronized with the audio.

Rate/Program Hr

3-Day Turnaround: \$ 300.00

7-Day Turnaround: \$ 275.00

Roll-up Mode :

Captioning rolls up on the screen one-line at a time. A 3 line maximum shows on the screen before the first line is replaced. Roll-up captioning is closely synchronized with the audio.

3-Day Turnaround: \$ 275.00

7-Day Turnaround: \$ 250.00

Spanish Post Production :

Pop-up or Roll-up option. 3-Day Turnaround.

Spanish-to-Spanish: \$ 300.00

English-to-Spanish: \$ 580.00

Script Discount :

USC will discount the rate of Post Production Captioning if a 100% fully edited script is provided.

English Only: \$ 75.00

* Above rates are guaranteed and must be accepted within 45-days from the proposal date.

Post Production Process:

Client will provide USC with a Windows Media or QuickTime program file, uploaded to USC designated FTP site. In return, USC will provide the client with an .scc or .cc captioning file that the client will be responsible for editing into the show. If the client requires USC to edit the captioning file into the show, additional fees will apply. Testing will be provided in advance to ensure file compatibility with the client's editing software.

Post Production Captioning

Description and Benefits

Post Production Captioning or 'Off-line' captioning applies captions to programs which have previously been created in a digital media format

Benefits

Off-line Captioning offers the maximum level of accuracy providing the best quality for the deaf and hard of hearing community.

No shipping fees as our process is completely digital.

Allows your program to be FCC compliant for any network or market.

Providing captioning for projects such as training videos, meets accessibility requirements for Equal Opportunity Employers.

Submission Requirements

USC requires that a digital copy of the programming be provided to our FTP site.

Verbatim transcript in MS Word sent electronically (if available by the station).

USC will provide a CC file compatible with your editing software.



CASE IDENTIFIER NUMBER:

CGB-CC-0261

January 3 2012

Office of the Secretary
Federal Communication Commission
Attn: Disability Rights Office, Room 3-B431
Washington, DC 20554

To Whom it May Concern:

We are petitioning for closed captioning exemption for our programs "KICKS Club" and "KidWise". We petitioned and were granted exemption for this closed caption exemption September of 2006 and are now petitioning again with up-to-date evidence supporting this affidavit. We want to continue receiving our closed captioning exemption beginning January 18, 2012.

This new petition is based on "significant difficulty and expense" as listed below. This petition focuses on the various areas that creates undue burden for us. These areas are listed to include:

- 1) The nature and cost of the closed captions for the programming
- 2) The impact on the operation of the provider and program owners
- 3) The extreme burden and financial resources for ourselves in producing these closed caption programs
- 4) The type of operations as the provider of these program

As a very small church, we offer educational children's programming for Christian networks. First and foremost, as producers of children's programming, based on the "specific" and strict children's program FCC guidelines for us as children's programmers and broadcast channels, it is a law that we cannot raise funds as non-profit children's programmers for Christian television. These are strict requirements that prevent us from asking for any donations in any form or fashion during the airing of our program or after. If we do, broadcast stations are fined very large amounts of funds and thousands of dollars. We also follow these strict guidelines by the FCC that we cannot raise funds through our websites, as well.

The FCC has regulations on fund raising for this specific children's programming that creates limited income and donations we could be receiving as producers. Doing children's programming as a non-profit organization which cannot raise funds for the programming we produce as we abide by FCC regulations, causes undue financial

burden “if” the FCC requires us to add closed captioning and other high expenses for our programming. We work diligently to offer non-profit children's programming and this financial burden would be extreme for us as the programmer.

1) “The nature and cost of the closed captions for the programming” and “The impact on the operation of the provider and program owners”:

As a non-profit organization that produces educational programming for children, it is an extreme financial burden to close caption our programming, especially with no fund raising capabilities. To expect us to abide by expenses with such added high cost as closed captioning per program requires, forces undue burden on our production of children's programming and all that we are doing in our efforts to reach children with quality educational material. This places us in a position of significant difficulty without the ability to raise funds through our programming and on our websites. We do not want to be placed in a position to possibly not be able to produce good, quality, educational new programs. The point of providing children's programming to broadcast stations is so vital to the FCC that they have required Christian Broadcasting stations to air children's programming for 'certain' amounts of hours each week at no cost to the programmer, verifying their understanding of the need and financial burden to those producing children's programming as not for profit producers. New and relevant programming is rare on these stations due to the financial nature as it is. The FCC understands this point as they require broadcast stations to air quality children's programming at no charge and it would defeat the purpose of the FCC to demand such a financial burden to the program providers that these stations so desperately need. We as a church offer broadcast stations newer programming but will be “strapped” as we cannot raise funds while the FCC requires the high dollar costs of closed captioning. We just do not have the funds for such high expenses on closed captioning.

2) “The financial resources of the provider or program owner” and “The type of operations as the provider of these program”:

We as a church, KICKS Ministries and VICTORY HARVEST CHURCH Incorporated, have as part of our purpose the making of quality programs through media outreach to children. As a church we have funded these productions for sets, all equipment, tools, editing materials, computers, editing programs, cameras, travel expenses, and much much more from the onset. This in itself is a huge step and burden that takes from the basic running expenses that are paid through church donations. Most churches barely pay for their expenses through donations and we have as a church organization the added expense of producing these children's programs without the ability to raise funds from their outlets and from the airing of these productions. We pay for all expenses and ask that the FCC please not place on us the added high costs of close captioning. Our purpose is to reach children through quality educational material and as we do so, our church organization also cannot afford to go back and close caption all our programs that have already been produced, as well as any new productions. We have produced our programming since 1995 and this would create a huge problem. Many stations have

shows on their shelves they pull for airing multiple times weekly. This would burden this non-profit organization with thousands and thousands of dollars. We would have to pull all our old programming leaving all the networks who air our programs with nothing available from us as a programmer. Not only would the financial burden be in the high cost of closed captioning but it would also add undue expenses for postal and Fed Ex costs, as well as reproducing programs on new beta cam tapes and other forms of duplication; not to add that the workers and man power would be extreme. As a program provider of educational children's programming closed captioning requirements would cause our programs extreme burden. Going back into our archives to close caption would be virtually impossible, as well as, financially and economically extreme and burdensome.

We please request and petition that we are granted this closed captioning exemption due to the position we have as educational children's program providers. These situations for all children's programmers airing on these types of networks and stations are unique as we have to also abide by strict FCC fund raising rules. As we abide by those faithfully, and have for these last many years, we note again, for the FCC to add undue pressure to our ability to create programming and raising funding to pay for these high costs that closed captioning would require of us, would be an undue burden, and be of extreme significant difficulty and expense not only financially, but in every way.

Enclosed you will find that we have priced closed captioning through U.S. Captioning Company. These prices were only good until November 10, 2011 and have even gone up in price. We have also enclosed for you a letter from our financial secretary stating to you that we are not financially positioned as a church to pay for closed captioning for new programs or past programs that we have already produced.

It is our desire to continue producing quality educational Christian programming to air on stations and networks throughout the United States. To do so, we are in need for you to grant us this exemption in order to remove the "significant difficulty and expense" as defined in this request.

Thank you,

Pastors Rick and Kim Robinson
KICKS Ministries and Victory Harvest Church Incorporated